

EXHIBIT 3

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Attorneys for Defendant
RANDALL STEVEN CURTIS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

“AMY,” *et al.*,

Plaintiffs,

RANDALL STEVEN CURTIS,

Defendant.

Case No. 19 Cv 2184 PJH

DECLARATION OF ETHAN A. BALOGH IN
OPPOSITION TO PLAINTIFFS’ MOTION
FOR SUMMARY JUDGMENT

Date: February 25, 2021

Time: 1:30 p.m.

Date Filed: June 21, 2021

Trial Date: None Set

Before the Honorable Phyllis J. Hamilton
Chief United States District Judge

PUBLICLY FILED VERSION

1 I, ETHAN A. BALOGH, declare under penalty of perjury as follows:

2 1. I am a partner at the law firm of Coleman & Balogh LLP, am admitted to practice
3 before this Court, and represent Defendant Randall Curtis in this case. I state the following on
4 personal knowledge, and if called as a witness, could competently testify to the facts presented in
5 this declaration.

6 2. Attached hereto as exhibits are a true and correct copies the following materials:¹

7 Exhibit B: Plaintiffs' initial disclosures pursuant to Fed. R. Civ. P. 26(a),
8 which I received at 4:23 p.m. on August 7, 2019. The electronic
9 file I received was labeled "Pltfs Initial Disclosures.Curtis(3)[,]"
10 suggesting it was the third revised version of Plaintiffs'
11 disclosures;²

12 Exhibit C: The non-confidential portion of the deposition of Kevin Laws,
13 taken January 26, 2021, which I have highlighted in parts, and from
14 which I have excised the index;

15 Exhibit C-1: The confidential portion of the Laws deposition, which I submit
16 herewith under seal, and which I have highlighted in parts.

17 Exhibit C-2: Video clips from January 26, 2021 deposition of Mr. Laws, which
18 Defendant shall file manually;

19 Exhibit C-3: Exhibits from the deposition of Kevin Laws, each of which begins
20 with the applicable deposition exhibit number, and to which we've
21 added Bates numbering labels "Laws Depo Exs. 0001-362" for
22 citation purposes in Defendant's Opposition Brief filed herewith. I
23 have omitted Exs. 42-44 & 46-47 from this exhibit.

24
25 ¹ I continue the sequential lettering of exhibits from the declaration I filed in support of
26 Defendant's January 19, 2021 motion for judgment.

27 ² I have substituted parentheses signs in my recitation, rather than the brackets Plaintiffs
28 actually used, to be clear that the number was from Plaintiffs' naming and to avoid confusion
because the use of brackets in quoted materials typically signals an edit by the write. The true file
name provide by Plaintiffs was: Pltfs Initial Disclosures.Curtis[3].pdf

1 Exhibit D: A complete set Plaintiffs' expert disclosures, combined into one
2 PDF, with the exception of the Affidavit of Lauren Coffren, which
3 cannot be attached because of the encrypted nature of its production
4 to me; I have also added Bates numbering labels Ex. D (Pltfs Expert
5 Disclosures 0001-0223) for citation purposed in Defendant's
6 Opposition Brief filed herewith;

7 Exhibit E: Plaintiffs' supplemental initial disclosures, which I received on 4:21
8 p.m. on October 28, 2020;

9
10 3. I am familiar with the discovery in the criminal case, and served as co-counsel to with
11 Shawn Halbert with respect to addressing restitution issues in the criminal case. In that case, on
12 January 28, 2018, AUSA Julia Garcia wrote to defense counsel Shawn Halbert to negotiate
13 restitution. At that time, the Government alleged that Skylar's, Sally's, and Sierra's images were
14 found on Defendant's media, but *not* Savannah's.

15 I declare that the foregoing is true and correct under penalty of perjury under the laws of
16 the United States.

17 Dated: January 29, 2021

/s/ E A Balogh
ETHAN A. BALOGH